



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Mayté Santamaria, Senior Director of Planning & Environmental Resources

From: Kevin Bond, AICP, Planning and Development Review Manager

Date: January 3, 2017

Subject: *Request for a one-year time extension pursuant to Monroe County Code Section 110-73(a)(1) to a Major Conditional Use Permit, originally approved by Planning Commission Resolution No. P35-05, for the construction of 111 residential dwelling units, including 89 affordable and 22 market-rate units, on property legally described as being part of Block 59, Maloney Subdivision, according to the plat thereof, as recorded in Plat Book 1 at Page 55, of the Public Records of Monroe County, Florida, and adjacent submerged lands, and having real estate numbers 00127400-000000, 00127400-000100, 00127400-000120, 00127400-000121, 00127400-000122, 00127400-000123, 00127400-000124, 00127400-000125, 00127400-000126, 00127400-000127, 00127400-000128, 00127400-000129, 00127400-000132, 00127400-000133, 00127400-000134, 00127400-000135, 00127400-000136, 00127400-000138, 00127400-000139, 00127400-000140, 00127400-000141, 00127400-000142, 00127400-000143, 00127400-000144, 00127400-000145, 00127400-000146, 00127400-000147, 00127400-000148, 00127400-000149, 00127400-000171, 00127400-000172, 00127400-000173, 00127400-000174, 00127400-000175, 00127400-000176, 00127400-000177, 00127400-000178, 00127400-000179, 00127400-000180, 00127400-000181, 00127400-000182, 00127400-000183, 00127401-010900, 00127401-010910, 00127401-010920, 00127401-010930, 00127401-010940, 00127401-010950, 00127401-010970, 00127401-010980, 00127401-011000, 00127401-011020, 00127401-011030, 00127401-011040, 00127401-011050, 00127401-011060, 00127401-011070, 00127401-011080, 00127401-011090 and 00127401-011100. (File # 2016-191)*

Meeting: January 25, 2017

1 **I. REQUEST:**

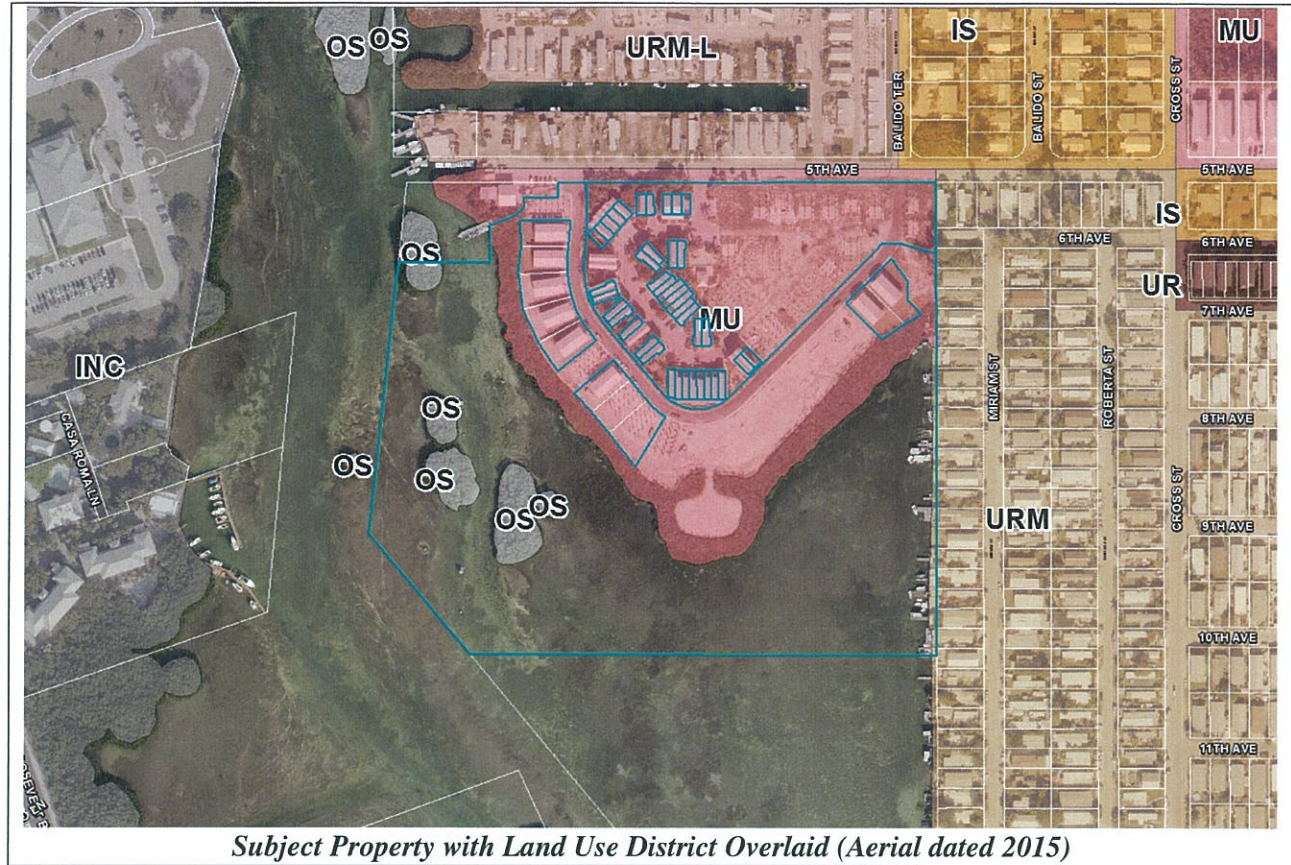
2

3 The applicant is requesting a one-year time extension to a Major Conditional Use Permit,

4 originally approved by Planning Commission Resolution No. P35-05 (Attachment 1) in order

5 to extend the expiration date from December 7, 2016 to December 7, 2017.

6



II. BACKGROUND INFORMATION:

Location/Address: 5020 & 5030 Fifth Avenue, Stock Island

Legal Description: Part of Block 59, Maloney Subdivision, according to the plat thereof, as recorded in Plat Book 1 at Page 55, of the Public Records of Monroe County, Florida, and adjacent submerged lands (full legal description provided in the application/file)

Real Estate Numbers: Same as subject above

Property Owners: Monroe County; Islander Village, LLC; Drive In Homebuilders, LLC; et. al.

Agent: Gregory S. Oropeza, Esq.; Smith Oropeza Hawks

Size of Site: Approximately 11 acres (per County GIS)

Land Use District: Mixed Use (MU)

Future Land Use Map (FLUM) Designation: Mixed Use/commercial (MC)

Tier Designation: III Infill Area

Existing Use: Affordable multifamily attached residential and market-rate detached residential

Existing Vegetation/Habitat: Disturbed/Scarified with landscaping, fringing mangroves

Community Character of Immediate Vicinity: Single-family residential, mobile homes

Flood Zone: AE-8

1 **III. RELEVANT PRIOR COUNTY ACTIONS:**

2
3 **7/13/2005** - Planning Commission Resolution No. P35-05 granting a Major Conditional Use
4 Permit for 111 residential units, including 89 affordable and 22 market-rate, a pavilion,
5 pool house, bath house and public pool. Applicant had 5 years from date of approval
6 (7/13/2012) to apply for building permits.
7

8 **7/19/2006** - BOCC Resolution No. 273-2006 reserving 89 affordable unit allocations until
9 7/18/2007.
10

11 **4/18/2007** - County approves 99-year ground lease with Islander Village. The original lease
12 required the affordable units to be completed within 18 months after commencement of
13 construction.
14

15 **5/16/2007** - BOCC Resolution No. 184-2007 reserving 89 affordable unit allocations until
16 5/16/2008.
17

18 **6/19/2009** – BOCC approves 1st amendment to ground lease approved to allow an additional
19 18 months to complete the affordable units.
20

21 **10/21/2009** - BOCC approves 2nd amendment to ground lease approved to provide that no
22 rent is payable to County.
23

24 **6/15/2011** - BOCC approves 3rd amendment to ground lease approved to extend deadline to
25 complete affordable units to 6/14/2013.
26

27 **6/27/2012** - Planning Commission Resolution No. P27-12 approved one-year time extension
28 to Major Conditional Use Permit; new expiration date to obtain COs is 12/7/2013, unless
29 another time extension granted.
30

31 **9/17/2012** - Letter acknowledging HB 503 two-year time extension; new expiration date
32 12/7/2015.
33

34 **10/17/2012** - BOCC approves 4th amendment to ground lease approved. Remaining COs
35 must be obtained by 12/7/2015.
36

37 **1/16/2013** - BOCC Resolution No. 018-2013 extending the reservation for 46 affordable
38 housing dwelling unit allocations for the Islander Village project until 12/7/2015.
39

40 **9/16/2015** - BOCC approves 5th amendment to ground lease approved. COs shall be
41 obtained by 12/7/2016 for all affordable housing units required to be built per the
42 amended lease.
43

44 **9/30/2015** – Planning Commission Resolution No. P27-15 approved one-year time extension
45 to Major Conditional Use Permit; new expiration date to obtain COs is 12/7/2016, unless
46 an additional time extension is granted.

1 **12/9/2015** – BOCC Resolution No. 400-2015 extending the reservation for 22 affordable
2 housing dwelling unit allocations for the Islander Village project until 12/7/2016.
3

4 **1/27/2016** – Planning Commission Resolution No. P07-16 approved the request by Islander
5 Village, LLC for an amendment to the Major Conditional Use Permit approved by
6 Planning Commission Resolution No. P35-05 to remove condition #3, which required the
7 applicant to construct and maintain a bus shelter.
8

9 **IV. REVIEW OF APPLICATION:**

10 Pursuant to Monroe County Land Development Code Section 110-73(a)(1):
11
12

13 “Unless otherwise specified in a Major Conditional Use approval, all required
14 building permits and Certificates of Occupancy shall be procured within three years
15 of the date on which the Major Conditional Use approval is recorded and filed in the
16 official records of Monroe County, or the Major Conditional Use approval shall
17 become null and void with no further action required by the county. Approval time
18 frames do not change with successive owners. Extensions of time to a Major
19 Conditional Use approval may be granted only by the Planning Commission for
20 periods not to exceed two years, unless otherwise specified. Applications for
21 extensions shall be made prior to the expiration dates. Extensions to expired Major
22 Conditional Use approvals shall be accomplished only by re-application for the Major
23 Conditional Uses. When a hearing officer has ordered a conditional use approval
24 initially denied by the Planning Commission, the Planning Commission shall
25 nonetheless have the authority to grant or deny a time extension under this section. If
26 the Planning Commission denies a time extension, the holder of the conditional use
27 may request an appeal of that decision under Code Chapter 102, Article VI by filing
28 the notice required by that article within 30 days of the written denial of the Planning
29 Commission.”
30

31 The expiration date of the original Major Conditional Use Permit approved in 2005 has been
32 extended multiple times, as outlined in the prior County action above. The current expiration
33 date for the property owner to obtain all Certificates of Occupancy is December 7, 2016. The
34 request for time extension was timely filed on November 10, 2016, prior to the expiration
35 date. The applicant requests a one-year time extension, which would give the applicant until
36 December 7, 2017 to obtain Certificates of Occupancy for the remaining residential units.
37 The extension is requested in order to complete construction and obtain COs on three
38 remaining market-rate units at Islander Estates. All 89 affordable units are completed.
39

40 **V. RECOMMENDATION:**

41
42 Staff recommends APPROVAL of a one-year time extension to the Major Conditional Use
43 Permit in accordance with Monroe County Code with the following condition:
44

- 45 A. The deadline to obtain all remaining Certificates of Occupancy for residential units
46 approved through Monroe County Planning Commission Resolution No. P35-05 is
47 hereby extended to December 7, 2017, unless an additional time extension is granted.